

Vermont Department of Health

Vermont Electronic Death Registration System (VTEDRS) ACCESS AND CONFIDENTIALITY/PRIVILEGE AGREEMENT for Town Clerks and Assistant Town Clerks

STATEMENT TO VTEDRS USER

As a Town Clerk or Assistant Town Clerk you have the authority to furnish certified copies of death certificates. (24 VSA § 1164) You also have authority to issue burial transit permits. (18 VSA § 5201(a)) Issuing these permits requires review of appropriate documentation which may include a completed death certificate.

The Vermont Electronic Death Registration System (VTEDRS) provides a means for users with appropriate permissions to produce death certificates. The official death certificate and all information contained on that document are considered public record.

VTEDRS USER'S AGREEMENT

As a Vermont Town Clerk or Assistant Town Clerk, I will print death certificates from the Vermont Electronic Death Registration System (VTEDRS), which requires and contains confidential and privileged data. As a user of VTEDRS, I hereby agree as follows:

1. I will access confidential and privileged information within VTEDRS only as needed to print death certificates for deaths that occurred in my town, or deaths of residents of my town.
2. I will not divulge in any way, copy, release, sell, loan, review, alter or destroy any confidential and privileged information except as properly authorized within the scope of my professional activities.
3. I will not misuse confidential and privileged information or treat such information carelessly.
4. I will keep confidential and privileged and not issue or share information gathered as part of the death reporting process which does not appear on the official death certificate. This includes not sharing the decedent's Social Security number and taking other appropriate measures to assure confidentiality as required for all Vermont businesses and agencies by 9 VSA § 2440.
5. I will safeguard and will not disclose my access code or any other authorization I have that allows me to access VTEDRS. I accept responsibility for all activities undertaken using my access code and other authorization.
6. I will report activities by any individual or entity that I suspect may compromise the protection and privacy of confidential and privileged information. Reports made in good faith about suspect activities will

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Fax: 802-651-1787

be held in confidence to the full extent permitted by law, including the name of the individual reporting the activities.

7. I understand that my obligations under this Agreement will continue after termination of my privileges and access to VTEDRS information. I further understand that my privileges and access hereafter are subject to periodic review, revision, and, if appropriate, renewal.

8. I understand that I have no right or ownership interest in any information within VTEDRS to which I have access. The Department of Health may, at any time, revoke my authorization or access to any information in VTEDRS.

9. I will be responsible for my misuse or wrongful disclosure of confidential and privileged information and for my failure to safeguard my access code or other authorization access to confidential and privileged information.

10. I understand that failure to comply with this Agreement may result in loss of privileges to access VTEDRS.

11. I understand that, under 18 VSA § 1001(d), a confidential public health record shall not be:

(a) Disclosed or discoverable in any civil, criminal, administrative or other proceeding.

(b) Used to determine issues relating to employment or insurance for any individual.

I also understand that any person who willfully or maliciously discloses the content of any confidential public health record without written authorization or as authorized by law shall be subject to a civil penalty of not less than \$10,000.00 and not more than \$25,000.00, and costs and attorneys fees as determined by the Court.

12. I understand that the Department of Health will advise me of any new policies, procedures, or protocols as they are issued, especially those related to privacy and security and will work with me to implement any required.

(Signature)

(Date)

(Name Printed)

(Date of Birth)

(Email address)

(Phone)

Town: _____

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18 VSA § 1001

(d) A confidential public health record shall not be:

- (1) Disclosed or discoverable in any civil, criminal, administrative or other proceeding.
- (2) Used to determine issues relating to employment or insurance for any individual.

(e) Any person who willfully or maliciously discloses the content of any confidential public health record without written authorization or as authorized by law or in violation of subsections (b), (c) or (e) shall be subject to a civil penalty of not less than \$10,000.00 and not more than \$25,000.00, and costs and attorney fees as determined by the court.

Amended 1979, No. 60, § 1; 1997, No. 7, § 1, eff. April 29, 1997; 1999, No. 17, § 2.

18 VSA § 5001

Certificates of birth, marriage, civil union, divorce, death and fetal death shall be in form prescribed by the commissioner of health and distributed by the health department.

Amended 1959, No. 329 (Adj. Sess.), § 27, eff. March 1, 1961; 1965, No. 112, § 2, eff. Jan. 1, 1966; 1969, No. 265 (Adj. Sess.), § 3; 1999, No. 91 (Adj. Sess.), § 6.

18 VSA § 5201 (a) Permits; removal of bodies;

(a) A dead body of a person shall not be buried, entombed or removed from a town, or otherwise disposed of, except as hereinafter provided, without a burial-transit permit issued and signed by the town clerk, his or her deputy or a law enforcement officer. The town clerk of the town or city shall provide for registering deaths that occur in the town and for issuing burial-transit permits at a time when town clerks' offices are closed. The town clerk shall appoint annually, within five days after the clerk's election or appointment, one or more deputy registrars for this purpose, record the name of the deputy or deputies appointed in the town records and notify the commissioner of health of the names and residences of the deputy or deputies appointed. The county clerk of a county wherein is situated an unorganized town or gore shall perform the same duties and be subject to the same penalties as a town clerk in respect to issuing burial-transit permits and registering deaths that occur in an unorganized town or gore within the county. After a deputy or law enforcement officer issues a burial-transit permit, the deputy or officer shall forward the death certificate or preliminary report and the record of the burial-transit permit issued to the clerk of the town or city where death occurred on the first official working day thereafter. In cases of death by certain communicable diseases as defined by the board, the town clerk, his or her deputy or a law enforcement officer shall not issue a burial-transit permit except in accordance with instructions issued by the local health officer or the board, which instructions shall be kept on file by the town clerk. A licensed embalmer, funeral director or a funeral director's designee may transfer the body of a deceased person to another town for preparation for burial or cremation but the remains shall be returned to the town in which death occurred within forty-eight hours after such removal, unless a permit for permanent removal has been secured within such period. Such licensed embalmer, funeral director or designee shall leave, in writing, upon forms supplied by the commissioner, the name, address, license number of the embalmer or funeral director and the date and hour such body was delivered, with the institution from which or the person from whom any such body is received. A body for which a burial-transit permit has been secured, except the body of any person whose death occurred as a result of a communicable disease, as defined by the board, may be taken through or into another town for funeral services without additional permits from the local health officer or board.

24 VSA § 1164. Certified copies; form

A town clerk shall furnish certified copies of any instrument on record in his office, or any instrument or paper filed in his office pursuant to law, on the tender of his fees therefore, and his attestation shall be a sufficient authentication of the copies, except that the town clerk shall not copy the word "illegitimate" from any birth certificate he furnishes. Copies of vital records for events occurring outside the state, filed with a town clerk pursuant to section 5015 of Title 18, shall not be copied and certified. (Amended 1959, No. 329 (Adj. Sess.), § 27, eff. March 1, 1961; 1975, No. 8, § 1; 1979, No. 142 (Adj. Sess.), § 18.)